IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.6511 of 2005
Date of Decision:- 07.11.2006

Arjan Singh ....Petitioner

through
Mr.Ashwani Gaur, Advocate

vs.

Gurnam Singh & ors. ....Respondents

through
Mr.S.S.Narula, Advocate for No.2.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

SURYA KANT, J.

This revision petition is preferred against the orders dated 18.8.2005 passed by the learned Additional Civil Judge (Sr.Div.), Mansa as well as dated 3.10.2005 of the learned Additional District Judge, Mansa whereby an application under Order 39 Rules 1 and 2 read with Section 151 CPC moved by the respondent-plaintiff has been allowed and the petitioner-defendant has been restrained from removing the power connection from the agricultural fields of the respondent-plaintiff.

Notice of motion was issued and pursuant thereto respondent No.1 has been duly served ; however, no one appears on his behalf.

After hearing learned counsel for the petitioner at length and upon perusal of the impugned orders, I am of the considered view that though the Courts below have made some observations which directly or indirectly affect the merits of the main suit but these observations having been made while deciding ad interim injunction matter only, the same are necessarily prima facie and purely tentative. These observations shall

have no bearing and cannot be looked into by the learned trial Court while deciding the suit on merits.

The main contention of learned counsel for the petitioner, however, is that the power connection being in his name, he is entitled to get it shifted to his agricultural fields. The scope of interference by a revisional Court in injunction matters is well known. Even if this Court is persuaded to form a view contrary to the one formed by Courts below, yet the view taken by the Courts below should prevail. Consequently, I am not inclined to interfere with the case on merits.

However, having regard to the peculiar facts and circumstances of the case, this revision petition is disposed of with a direction to the learned trial Court to make an endeavour to decide the suit on merits as early as possible, preferably within a year.

November 07, 2006 **(SURYA KANT)**
poonam **JUDGE**